



Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street, NW | Washington, DC 20036 | tel 202.663.8000 | fax 202.663.8007

Glenn S. Richards  
tel 202.663.8215  
glenn.richards@pillsburylaw.com

December 19, 2017

**VIA ECFS**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: CG Docket No. 02-278 – Notice of Ex Parte Presentation**

Dear Ms. Dortch:

On December 19, 2017, Bill Pope, CEO of Network Communications International Corp. (“NCIC”), Andrew Bluth of Lewis Brisbois and the undersigned met with Mark Stone, Kristi Thorton and Josh Zeldis of the Consumer Bureau. During the meeting NCIC discussed its pending Petition for Expedited Declaratory Ruling, filed May 10, 2016, requesting that the FCC confirm that NCIC’s proposed texting plan does not violate the Telephone Consumer Protection Act. NCIC explained that the texting plan offers inmates the option to send a single text message, to a phone number requested by the inmate, after an unsuccessful collect call. The text plan does not use an automatic telephone dialing system. NCIC also explained how a decision granting the petition would be consistent with FCC precedent. NCIC provided the attached presentation to FCC staff at the meeting.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

By: \_\_\_\_\_/s/\_\_\_\_\_  
Glenn S. Richards  
Counsel for NCIC

Attachment

CC (*via email*): Mark Stone  
Kristi Thorton  
Josh Zeldis



**Bill Pope**  
President



# Who is NCIC

- An inmate communications provider - in business for more than 23 years
- Headquartered in Longview, Texas – serving more than 600 prisons
- Over 100 employees in 8 countries
- US-based call center
- Committed supporting lower inmate calling rates and fees
- Employee-owned company
- Annual growth is about 15%
- Operates with little fanfare





# NCIC Proposed Texting Plan

- NCIC seeks to offer inmates that ability send a single follow-up text message to family, friends, or legal counsel immediately after an unsuccessful collect call.
- At the time the inmate manually enters the telephone number he wishes to call, he receives a notification that NCIC can send a follow-up text to the called party to establish a billing account with NCIC if the collect call is not successful. The inmate chooses whether he wants to send the text by pressing the corresponding prompt.
- The text would be tailored to the specific inmate, and it would inform the recipient how to establish a billing account with NCIC so that the inmate can make future successful collect calls. For example:
  - “This is Bill Pope and I'm in the Gregg County Jail. Can you please set up a phone account with NCIC at <https://account.ncic.com> so I can call you? The rates are \$.25 per minute. You can also call 1-800-943-2189 and speak to a live person for any questions. Thank you.”
- After the text is sent, NCIC would not retain the called party's number.



# Petition for Expedited Declaratory Relief

- Filed May 10, 2016
- Requests order confirming that the NCIC proposed texting plan does not violate the TCPA.
- Identical policies identified in GTL Exemption are applicable to NCIC. See FCC Declaratory Ruling and Order (July 10, 2015, ¶¶ 38-46) (“Omnibus Order”).
- NCIC Petition unopposed except for untimely Reply Comments submitted by Gerald Roylance\*

\* Subject to pending NCIC Motion to Strike filed August 1, 2016

# Conditions for GTL Exemption\*

1. pursuant to section 227(b)(2)(C), collect call attempt notifications to cellular telephone numbers shall not be charged to the called party;
2. notifications must identify the name of the collect call service provider and include contact information;
3. notifications must not include any telemarketing, solicitation, debt collection, or advertising content;
4. notifications must be clear and concise, generally one minute or less;
5. collect call service providers shall send no more than three notifications for each inmate call, and shall not retain the called party's number upon call completion or, in the alternative, not beyond the third notification attempt; and

\* *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, et al.*, GC Docket No. 02-278, WC Docket No. 07-135, Declaratory Ruling and Order, 30 FCC Rcd 7961 (2015), at 7984-89, ¶45

## **Conditions for GTL Exemption (Cont.)**

6. each notification call must include information on how to opt out of future calls; voice calls that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make an opt-out request prior to terminating the call; voice calls that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future notification calls; and
7. the collect call service provider must honor opt-out requests immediately.



# **NCIC Inmate Texting Meets GTL Conditions**

1. The text would be initiated by the inmate via manual dial.
2. The inmate receives an option to send the text only when there is no answer on his first call to a specific phone number.
3. The text does not contain telemarketing.
4. Only one text is permitted (not three).
5. Required information about inmate, ICS, collect call rate and contact information is provided in single succinct text.
6. NCIC does not maintain recipient's number.